



CITY OF  

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**PORTLAND, OREGON**

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**Charlie Hales, Mayor**  
Amanda Fritz, Commissioner  
Nick Fish, Commissioner  
Dan Saltzman, Commissioner  
Steve Novick, Commissioner

**Mary Hull Caballero, Auditor**

November 3, 2016

Honorable District Judge Michael H. Simon  
Mark O. Hatfield United States Courthouse  
Courtroom 13B  
1000 Southwest Third Avenue  
Portland, OR 97204-2944

Re: *United States v. City of Portland*, 3:12-cv-02265-SI

Dear Judge Simon:

We, the Mayor, Council, and Auditor elected by the people of the City of Portland write to express our unanimous condemnation of the behavior permitted to occur at the status conference held on October 25, 2016. Your Honor invited and permitted members of the public to subject the City's former COAB Chair, lawyers and officials to racist, sexist, and other ad hominem attacks during a court proceeding. That abuse included references to "up-skirting" a female attorney and telling another attorney, a Black Haitian-American woman, to "go back to Haiti."<sup>1</sup> Your Honor also affirmatively invited a party adverse to the City in another case before this court to speak, despite the fact that he had no connection to the subject matter of the status conference. All of these circumstances raise concerns of partiality and the City's ability to receive fair treatment from this court.

Some of the abuse directed at Deputy City Attorney Judy Prosper was accompanied by shouts of "that's enough" from the audience, but your Honor allowed the slurs against her based on national origin to proceed without interruption or admonishment. This represented a failure to maintain order and decorum in a courtroom and we believe contravened expected standards of judicial conduct. See Canon 3.A(3) of the Code of Conduct for United States Judges.

The City has always been and remains committed to the Settlement Agreement with the United States and to improving the performance of and trust in its Police Bureau. Its progress toward doing so, however, is delayed and frustrated when City employees and officials have to subject themselves to the sort of ad hominem diatribes that are unacceptable in any setting, let alone a United States

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<sup>1</sup> We do not yet have access to a transcript or recording of the proceedings and are accordingly relying on the collective memory of those in attendance as to what was said.

District Court. We commend our attorneys and employees who sat stoically through that verbal abuse. As elected officials, it is our duty to stand up for them when they are exposed to such unacceptable behavior.

Respectfully yours,



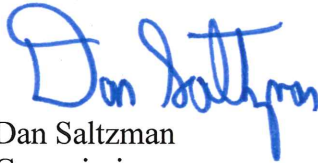
Charlie Hales  
Mayor



Amanda Fritz  
Commissioner



Nick Fish  
Commissioner



Dan Saltzman  
Commissioner



Steve Novick  
Commissioner



Mary Hull Caballero  
Auditor

cc: Bill J. Williams, United States Attorney's Office  
Janice E. Hebert, United States Attorney's Office  
Adrian L. Brown, United States Attorney's Office  
Jared Hager, United States Attorney's Office  
Laura L. Coon, United States Department of Justice  
R. Jonas Geissler, United States Department of Justice  
Brian Buehler, United States Department of Justice  
Anil Karia, Portland Police Association  
Kristen A. Chambers, AMAC  
Shauna M. Curphey, AMAC  
Jessica Ashlee Albies, AMAC